

STATEMENT BY

MARK WHETSTONE, PRESIDENT

NATIONAL CITIZENSHIP AND IMMIGRATION SERVICES COUNCIL
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION POLICY AND ENFORCEMENT

OF THE

HOUSE COMMITTEE ON THE JUDICIARY

ON

SAFEGUARDING THE INTEGRITY OF THE
IMMIGRATION BENEFITS ADJUDICATION PROCESS

FEBRUARY 15, 2012

Thank you, Chairman Gallegly and Ranking Member Lofgren. My name is Mark Whetstone, and I am the President of the American Federation of Government Employees' National Citizenship and Immigration Services Council. I greatly appreciate this opportunity to provide our input at today's hearing.

My focus today is specifically on the effects of adjudication performance expectations and the training levels of the Immigration Services Officer (ISO) as it relates to benefit fraud in the immigration system. It is our belief that the continuing pressures in the production environment of adjudications, coupled with inadequate levels of training, pose a significant threat to protecting the immigration system from benefit fraud and consequently impacting national security.

The recent report by the DHS OIG concerning the effects of adjudication policies on fraud detection correctly points to the need for USCIS to permit more time for the officer's review of case files. This isn't the first time the agency has heard that same recommendation. In May of 2002 the DOJ Office of Inspector General also suggested performance standards should be changed to allow more time to review files and seek additional information. In response to this most recent recommendation, USCIS did not concur and seeks to further analyze the need for additional time by adjudicators.

There are many things in the most recent report that we can embrace; however, the efforts by USCIS in the area of performance measurement is not one. The report would lead you to believe that the production performance measures for all adjudicators were rated as noncritical in FY 11. In fact, only 40% of the adjudicator population nationwide realized that adjustment and, even then, the reality was that other critical elements would be used to entice officers toward production quotas. The larger segment of adjudicators working in field offices saw no reductions in the quantity-based production standards. Several officers reported working through rest and lunch breaks to reach quota levels necessary to attain just satisfactory ratings. Again, this is nothing new to USCIS. In 2002, the GAO reported that because the performance appraisal system was based largely on the number of cases processed, rather than on the quality of the review, adjudicators are rewarded for the timely handling of petitions rather than for careful scrutiny of their merits.

Although the recent DHS OIG report states that the decision to make production noncritical is a significant change that should improve fraud detection and national security, USCIS recently moved to change the standard back to a critical element. In reality, the production pressure was never off and this latest action is a reversal of their stated position in the report.

In that same report, supervisors and managers noted that adjudicators miss alias names of benefit seekers when conducting security checks during the adjudication process. They go on to assert that production pressures to adjudicate quickly may hinder an adjudicator's ability to identify and query alias names during the security check process. It is our belief that issues such as this pose a direct hindrance to the detection of immigration benefit fraud.

At the same time officers are pressured to move the workload expeditiously, their confidence level in making correct decisions and detecting benefit fraud is weakened by a lack of adequate training in fraud detection.

In an August 2011 report, the DHS OIG observed that USCIS has not developed formal, post-basic, fraud training program. Additionally, fraud prevention training is not provided to all adjudicators responsible for adjudication of specific benefits. In at least one instance, 85% of the employees responsible for adjudication of a specific benefit were not provided the fraud detection training.

We understand USCIS is currently developing post-basic training fraud courses. We also are told that USCIS has agreed to begin the necessary steps to ensure officers receive this training annually, once the courses are developed and implemented. Although we can applaud any steps toward adequate training of adjudicators, our concern is that the frequency of the training will be inadequate.

The people perpetrating fraud work hard every day to alter their methods. Providing training to officers only on an annual basis would continue to leave them without sufficient confidence to know when to refer cases of suspected fraud to officers with more expertise and equipped with advanced research capabilities. This, we believe, leaves a gaping hole in the deterrence of immigration benefit fraud.

We recognize it's not an easy task to strike the balance between efforts to process the volume of requests for immigration benefits while protecting the system from fraud. It is our belief that USCIS policies in the area of production expectations and frequency of training could have a negative effect on the detection of immigration benefit fraud.

This concludes my statement. I look forward to responding to your questions.